

REMARKS

Upon entry of the present amendment, Claims 43-48 and 50-57 and 61-66 will remain pending (Claims 1-42 having been previously cancelled, and claim 49 and non-elected claims 58-60 cancelled herein).

By the present amendment claims 43, 44 and 45 are amended pursuant to a telephonic interview with the Examiner. These amendments do not affect the scope of the claimed invention.

In particular, the recitation “expression product” has been changed to “transcription product” to avoid confusion. Based on this amendment claim 49 is now cancelled.

In addition, the independent claims 43, 44 and 45 are all amended to incorporate the additional transcription product sequences recited in claim 50. As discussed, this amendment does not change the scope of the claimed invention as the sequences (transcription products) recited in claim 50 all comprise transcription products corresponding to SEQ ID NO:11 and in addition all of these sequences in claim 50 comprise at least one of the transcription product sequences recited in claims 43, 44 or 45 (i.e., specific sequences recited in said claims prior to the present amendment) and in addition all of the sequences recited in claim 43, 44 or 45 (prior to the present amendment) are contained in at least one of the sequences recited in claim 50. Therefore, claim 50 is a proper dependent claim now and previously as the detection of at least one of the transcription products selected from sequences SEQ ID No: 13, SEQ ID No: 15, SEQ ID No: 16, and SEQ ID No: 17 as recited in claims 43, 44 or 45 will necessarily detect at least one of the transcription sequences recited in claim 50, i.e. a sequence selected from SEQ ID No 2, SEQ ID No 4, SEQ ID No 6, SEQ ID No 7, SEQ ID No 10 and SEQ ID No 11 as each of these transcription products comprises at least one of the sequences recited in claim 43, 44 and 45 (i.e., specific sequences recited in these claims before entry of the present amendments thereto).

Accordingly, by the present amendments Applicants have not limited the claimed subject matter beyond the claim amendments previously made in order to limit the claims to the scope of the elected subject matter.

In addition the dependency of claims 50-53 and 62 is revised based on the cancellation of claim 49. Also, claims 55-57, while currently withdrawn, are amended to depend from claims 43, 44 or 45. It is respectfully requested that the Examiner would rejoin these claims and allow these claims along with the claims presently under examination as they are further limiting of the claims presently being examined as they merely recite different nucleic acid detection methods and types of biological samples encompassed by claims 43, 44 and 45. In addition, it is respectfully requested that claims 48 and 65 be rejoined with the elected claims as these dependent claims further limit the base claims from which they depend. (By contrast, the non-elected kit claims are cancelled to expedite the allowance of this application.)

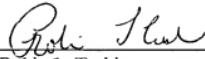
Examiner Gussow is thanked for her careful consideration of the pending claims and her courtesy during the recent telephonic interview. Based on this telephonic interview it is anticipated that the present amendments will place this case in condition for allowance. A Notice to that effect is respectfully solicited. However, if any issues remain the Examiner is requested to contact the undersigned. (As a final note the undersigned will review the current sequence listing and corresponding amendments in the specification for correctness and completeness and will provide a supplemental listing if required.)

No additional fees are believed to be due for this amendment. However, the Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16 and § 1.17 associated with this communication or credit any overpayment to the deposit account of Hunton & Williams, **Deposit Account Number 50-0206**.

Respectfully submitted,

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